

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Claire A. CAJACOB *et al.*

Appln. No.: 09/233,218

Filed: January 20, 1999

For: Nucleic Acid Molecules and Other  
Molecules Associated with the  
Tetrapyrrole Pathway



Art Unit: 1649

Examiner: To Be Assigned

Atty. Docket: 04983.0025.US01/  
38-21(15090)B

**Response to Notice to File Missing Parts of Application**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted dated February 9, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
2. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Claire A. CaJacob (6 pages);
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu (6 pages);
4. Marked-up copy of Filing Receipt showing corrections;
5. Return postcard; and
6. Howrey & Simon Check No. 307293 for \$ 968.00 to cover:

\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);  
\$ 78.00 Fee for excess claims (37 C.F.R. § 1.16); and  
\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

It is noted that the Filing Receipt received on February 16, 1999, contains two errors made by the U.S. Patent and Trademark Office: (1) the incorrect spelling of the second inventor's name, "Liu"; and (2) the incorrect spelling of "other" in the title of the application. It is recognized that a new Filing Receipt will be issued upon receipt of the executed Declaration, and it is respectfully requested that the above-noted errors not be perpetuated in the new Filing

Receipt. A copy of the Filing Receipt, with the corrections marked in red, is enclosed for convenience.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Date: March 22, 1999

HOWREY & SIMON  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
(202) 783-0800

**HOWREY & SIMON**



March 22, 1999

*SECTOR 5*  
Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

Assistant Commissioner for Patents  
Washington, DC 20231

**Attention: Box Missing Parts**

Re: U.S. Utility Application No. 09/233,218  
Filed: January 20, 1999; Group Art Unit: 1649  
For: Nucleic Acid Molecules and Other Molecules  
Associated with the Tetrapterrole Pathway  
Inventors: Claire A. CAJACOB *et al.*  
Atty. Docket: 04983.0025.US01/38-21(15090)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Notice to File Missing Parts of Application (in duplicate);
2. Copy of the Notice to File Missing Parts of Application – Filing Date Granted;
3. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Claire A. CaJacob (6 pages);
4. Original Combined Declaration and Power of Attorney for Patent Application, executed by inventor Jingdong Liu (6 pages);
5. Marked-up copy of Filing Receipt showing corrections;
6. Howrey & Simon Check No. 307293 for \$968.00 to cover the filing fee, fee for excess claim, and surcharge for late filing of Declaration; and
7. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,  


David R. Marsh (Reg. No. 41,408)

Enclosures

Washington, DC

Los Angeles

Silicon Valley

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

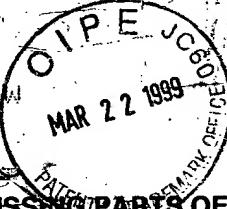
BEST AVAILABLE COPY

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/2321218	01/20/99	CATAJACOB	04983.0025.I

DAVID R MARSH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE N.W.  
WASHINGTON DC 20004-2402

0242/0209

NOT ASSIGNED



1649

DATE MAILED:

02/19/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**

**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 968.00.

1. The statutory basic filing fee is:

missing.  
 insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ 78, including any multiple dependent claim fees, are required.

\$ 78.00 for independent claims over 3.

\$            for dependent claims over 20.

\$            for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the named inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*[Handwritten signature]*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## FILING RECEIPT

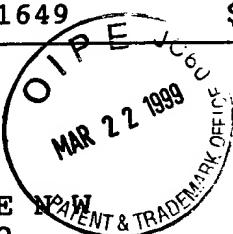


UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Offic  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DRM/PDR

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/233,218	01/20/99	1649	\$0.00	04983.0025.U	0	9	4

DAVID R MARSH  
HOWREY & SIMON  
BOX NO 34  
1299 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004-2402



RECEIVED  
DOCKET DEPT.

FEB 16 1999

HOWREY &amp; SIMON

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

CLAIRES A CAJACOB; JINGDONG LIU.

Liu

FOREIGN FILING LICENSE GRANTED 02/05/99

TITLE  
NUCLEIC ACID MOLECULES AND OTHER MOLECULES ASSOCIATED WITH THE  
TETRAPYRROLE PATHWAY OTHER

PRELIMINARY CLASS: 800

04983-0025-US01  
DOCKETED  
MSPTS DUE 4/9/99  
EXTENDIBLE TO 9/9/99

069,472  
072,427  
076,201  
074,280  
070,281

09-210,297 1649

DATA ENTRY BY: MIDDLETON, MATTIE TEAM: 04 DATE: 02/05/99